

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

DEJWAN SIMMS,

Plaintiff,

v.

EDWARDS, *et al.*,

Defendants.

No. 1:22-cv-00028-JLT-BAM (PC)

ORDER ADOPTING FINDINGS AND  
RECOMMENDATIONS RECOMMENDING  
DENIAL OF PLAINTIFF'S MOTIONS TO  
PROCEED *IN FORMA PAUPERIS*

(Docs. 2, 7, 8)

**TWENTY-ONE (21) DAY DEADLINE**

Plaintiff Dejwan Simms is a state prisoner proceeding *pro se* in this civil rights action pursuant to 42 U.S.C. § 1983.

Plaintiff initiated this action on January 6, 2022. (Doc. 1.) On January 10, 2022, the assigned magistrate judge issued an order for Plaintiff to submit an application to proceed *in forma pauperis* or pay the filing fee. (Doc. 4.) The same day, Plaintiff filed a motion requesting leave to proceed *in forma pauperis* pursuant to 28 U.S.C. § 1915, together with a prisoner trust fund account statement. (Doc. 5.)

On January 12, 2022, the magistrate judge issued findings and recommendations that Plaintiff's application to proceed *in forma pauperis* be denied and that Plaintiff be required to pay the \$402.00 filing fee in full to proceed with this action because he can afford the costs of this action. (Doc. 7.) Those findings and recommendations were served on Plaintiff and contained

1 notice that any objections thereto were to be filed within fourteen (14) days after service. (*Id.* at  
2 2.) No objections have been filed, and the deadline to do so has expired.

3 Plaintiff filed a second application to proceed *in forma pauperis* on January 28, 2022,  
4 together with another copy of his prisoner trust fund account statement. (Doc. 8.) However,  
5 Plaintiff's renewed application again reveals he can afford the costs of this action. (*Id.*)

6 In accordance with the provisions of 28 U.S.C. § 636 (b)(1)(C), this court has conducted a  
7 *de novo* review of the case. Having carefully reviewed the entire file, including Plaintiff's  
8 renewed application to proceed *in forma pauperis*, the court concludes that the magistrate judge's  
9 findings and recommendations are supported by the record and proper analysis.

10 Accordingly,

- 11 1. The findings and recommendations issued on January 12, 2022, (Doc. 7), are  
12 adopted in full;
- 13 3. In accordance with 28 U.S.C. § 1915(g), Plaintiff's applications to proceed *in*  
14 *forma pauperis*, (Docs. 2, 8), are denied; and
- 15 4. Within **twenty-one (21) days** following the date of service of this order, Plaintiff  
16 shall pay the \$402.00 filing fee in full to proceed with this action. If Plaintiff fails  
17 to pay the filing fee within the specified time, this action will be dismissed without  
18 further notice.

19  
20 IT IS SO ORDERED.

21 Dated: **February 14, 2022**

  
UNITED STATES DISTRICT JUDGE